

## REMARKS

Claims 21-51 were presented for examination and were pending in this application. In the Office Action dated February 24, 2005, claims 21-51 were rejected. New claims 52-53 are added herein. The inventions claimed in the new claims 52-53 are supported by at least Fig. 7 and page 11, line 1 to page 12, line 10 of the specification. No new matter is added by this amendment.

### Summary of Interview

The Examiner is thanked for the helpful telephone interview on May 25 and June 1, 2005. The Examiner's interview summary incorrectly indicates that one of the Applicants (Michael Hayden) was present in the telephone interview, however, Mr. Hayden was not present. The participants of the telephone interview were Examiner Nga N. Nguyen and the Applicants' representatives Robert R. Sachs (Reg. No. 42,120) and Jae Won Song (Ltd. Rec. No. L0203).

Claims 21-51 were discussed during the interview together with the cited references, including U.S. Patent No. 5,291,543 ("Freese") and U.S. Patent No. 5,867,661 ("Bittinger").

The Examiner agreed that Freese, Bittinger, or the combination of Freese with Bittinger does not disclose or even suggest accounting records of a user's Internet connection service usage of a network of the local Internet service provider where the user does not have an account with the local Internet service provider but has an account with the home Internet service provider, as variously recited in independent claims 21, 31, 32, and 39. Therefore, the Examiner agreed to withdraw the rejection of all pending claims for further consideration and that the next office action, if any, would be non-final.

Rejection of Claims 21-42 under 35 U.S.C. §103(a)

In paragraph 5 of the Office Action, Claims 21-42 were rejected as being obvious over U.S. Patent No. 5,291,543 (“Freese”) in view of U.S. Patent No. 5,867,661 (“Bittinger”) and further in view of U.S. Patent No. 5,893,077 (“Griffin”). This rejection is respectfully traversed.

1. Accounting Records of Usage of the Network of the Local Internet Service Provider

Independent claims 21, 31, 32, and 39 variously recite:

“accounting records of a user’s Internet connection service usage of a network of the local Internet service provider, the local Internet service provider operated independently from the home Internet service provider of the user, the user not having an account with the local Internet service provider but having an account with the home Internet service provider and connecting to the Internet via the local Internet service provider.”

Freese merely discloses that the roam clearing house receives roam cellular telephone call records via an automatic dial-up telephone connection. *Freese, col. 8, lines 6-10.* However, nowhere does Freese disclose or even suggest the concept of accounting records for the user’s Internet connection service usage of the network of the local Internet service provider where the user does not have does not have an account with the local Internet service provider but has an account with the home Internet service provider.

Bittinger was relied on by the Examiner as merely disclosing that a user can access the Internet using laptop computers with a cellular communication system. However, Bittinger does not disclose or suggest accounting records of a user’s Internet connection service usage of a network of the local Internet service provider where the user does not have

an account with the local Internet service provider but has an account with the home Internet service provider.

The combination of Freese with Bittinger also does not disclose or suggest accounting records of a user's Internet connection service usage of a network of the local Internet service provider where the user does not have an account with the local Internet service provider but has an account with the home Internet service provider. The combination of Freese with Bittinger would merely result in using a local *cellular telephone* network to connect to the Internet through the *home Internet service provider*, and would not result in connecting to the Internet via the local Internet service provider. In other words, even with the combination of Freese and Bittinger, a user would still connect to the Internet through the *home Internet service provider* while roaming on the local *cellular telephone* network.

Griffin was relied on by the Examiner as merely disclosing filtering accounting records by removing erroneous data from raw accounting records but, does not disclose or suggest accounting records of a user's Internet connection service usage of a network of the local Internet service provider where the user does not have an account with the local Internet service provider but has an account with the home Internet service provider.

## 2. Receiving and Transmitting Accounting Records over the Internet

Independent claims 21, 31, 32, and 39 variously recite that (i) *the settlement server receives from the local Internet service provider over the Internet, accounting records of a user's Internet connection service usage of a network of the local Internet service provider*, where the local Internet service provider is operated independently from the home Internet service provider of the user and the user does not have an account with the local Internet service provider but has an account with the home Internet service provider and connects to

the Internet via the local Internet service provider, and that (ii) the settlement server transmits the report of service usage to the home Internet service provider over the Internet.

As the Examiner agrees in the Office Action, Freese does not disclose or even suggest a settlement server receiving the accounting records of a user's Internet connection service usage from the local Internet service provider over the Internet, nor does Freese disclose transmitting the report of service usage to the home Internet service provider over the Internet. This inherently requires use of the above Internet protocols, among others. Rather, Freese merely discloses that the roam clearing house receives roam cellular telephone call records via an automatic dial-up telephone connection, *Freese, col. 8, lines 6-10*, and that the roam clearing house transmits tapes containing the roam call records to the appropriate service provider by *physical transfer*, *Freese, col. 5, lines 21-66*. The automatic dial-up telephone connection is a direct one-to-one connection between the cellular telephone administration system and the roam clearing house, and this is not through the Internet. Neither does Bittinger or Griffin disclose or suggest a settlement server receiving the accounting records of a user's Internet connection service usage from the local Internet service provider over the Internet, or transmitting the report of service usage to the home Internet service provider over the Internet.

The Examiner simply takes the position that communicating information using the Internet is well known in the art, without citing any prior art reference. However, the Examiner failed to cite any specific reference disclosing that the settlement server receives *accounting records of a user's Internet connection service usage of the local Internet service provider* or transmits *the report of service usage to the home Internet service provider* over the Internet. In the event that the Examiner continues the rejection of claims 21, 31, 32, and

39 on this ground, the Examiner is specifically requested under MPEP §2144.03 to identify a reference in support of such rejection. *See MPEP §2144.03.*

Therefore, the deficient disclosures of Freese, Bittinger, and Griffin thus fail to establish even a *prima facie* basis from which a proper determination of obviousness can be made. It is respectfully submitted that independent claims 21, 31, 32, and 39 are patentably distinct over Freese, Bittinger, and Griffin.

Claims 22-30, 33-35, 36-38, and 40-42 depend from independent claims 21, 31, 32, and 39, respectively, and are also patentably distinct over Freese, Bittinger, and Griffin for at least the same reasons as described above.

Rejection of Claims 43, 46, and 49 under 35 U.S.C. §103(a)

In paragraph 6 of the office action, claims 43, 46, and 49 were rejected as being obvious over Freese in view of Bittinger. This rejection is respectfully traversed.

Independent claims 43, 46, and 49 variously recite that the settlement server receives, “from the local Internet service provider over the Internet, accounting records of a user’s Internet connection service usage of a network of the local Internet service provider, the local Internet service provider operated independently from the home Internet service provider of the user, the user not having an account with the local Internet service provider but having an account with the home Internet service provider and connecting to the Internet via the local Internet service provider.”

As explained above, neither Freese nor Bittinger discloses or even suggest (i) the concept of accounting records of a user’s Internet connection service usage of a network of the local Internet service provider where the user does not have an account with the local Internet service provider but has an account with the home Internet service provider, and (ii)

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the settlement server receiving such accounting records from the local Internet service provider over the Internet or transmitting the report of service usage to the home Internet service provider over the Internet.

The deficient disclosures of Freese and Bittinger thus fail to establish even a *prima facie* basis from which a proper determination of obviousness can be made. It is respectfully submitted that independent claims 43, 46, and 49 are patentably distinct over Freese and Bittinger.

Rejection of Claims 44, 45, 47, 48, 50, and 51 under 35 U.S.C. §103(a)

Claims 44, 45, 47, 48, 50, and 51 were rejected as being obvious over Freese in view of Bittinger and further in view of U.S. Patent No. 5,727,002 (“Miller”). This rejection is respectfully traversed.

Claims 44, 45, 47, 48, 50, and 51 depend from independent claims 43, 46, and 49, respectively. As explained above, Freese or Bittinger does not disclose or even suggest (i) the concept of accounting records of a user’s Internet connection service usage of a network of the local Internet service provider where the user does not have an account with the local Internet service provider but has an account with the home Internet service provider, and (ii) the settlement server receiving such accounting records from the local Internet service provider over the Internet or transmitting the report of service usage to the home Internet service provider over the Internet, as claimed in the base claims 43, 46, and 49. Miller was merely relied on by the Examiner as disclosing transmitting data over the Internet using User Datagram Protocol (UDP) or File Transfer Protocol (FTP), but does not disclose or even suggest (i) the concept of accounting records of a user’s Internet connection service usage of a network of the local Internet service provider where the user does not have an account with

the local Internet service provider but has an account with the home Internet service provider, and (ii) the settlement server receiving such accounting records from the local Internet service provider over the Internet or transmitting the report of service usage to the home Internet service provider over the Internet, as claimed in the base claims 43, 46, and 49, either.

The deficient disclosures of Freese, Bittinger, and Miller thus fail to establish even a *prima facie* basis from which a proper determination of obviousness can be made. It is respectfully submitted that claims 44, 45, 47, 48, 50, and 51 are patentably distinct over Freese, Bittinger, and Miller.

#### New Claims 52-53

The newly added claims 52 and 53 depend from independent claims 43 and 46, respectively, and thus are patentable over the cited prior art for at least the reasons as explained above with regard to claims 43 and 46. In addition, new claims 52 and 53 variously recite that the settlement server (or the loader of the settlement server) receives the accounting records from the local Internet service provider via a routing server. None of the cited references, Freese, Bittinger, Griffin, and Miller, disclose or even suggest that the settlement server receives the accounting records of usages of the local Internet service provider via a routing server. Therefore, new claims 52 and 53 are also patentable over Freese, Bittinger, Griffin, and Miller for this additional reason.

In conclusion, it is respectfully submitted that all pending claims 21-53 are in condition for allowance. Favorable action is solicited.

Respectfully Submitted,

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